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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/686,637	10/17/2003	Gil N. Andrion	AGN-104-A	8218

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CHARLES W CHANDLER
33150 SCHOOLCRAFT
LIVONIA, MI 48150

EXAMINER

WILLATT, STEPHANIE L

ART UNIT	PAPER NUMBER
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3732

DATE MAILED: 11/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.	Applicant(s)	
10/686,637	ANDRION, GIL N.	
Examiner	Art Unit	
Stephanie L. Willatt	3732	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6 is/are rejected.
- 7) ☒ Claim(s) 5, 7 and 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>17 October 2003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "22" has been used to designate both the hollow body and cap. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The abstract of the disclosure is objected to because it is not descriptive enough. Correction is required. See MPEP § 608.01(b).

3. The disclosure is objected to because of the following informalities: reference character "22" has been used to designate both the hollow body and cap.

Appropriate correction is required.

Claim Objections

4. Claim 8 is objected to because of the following informalities: It seems that a "legend," as it is recited in claim 8, is a typographical error. Perhaps the applicant meant to recite a "liquid." Appropriate correction is required.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-3 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Balavich (US 5,065,875) in view of Dennis (US 5,215,193).

Balavich discloses a combination bottle and toothbrush holder comprising an elongated body (bottle 20) having a top opening, resilient walls, and an outer symmetrical profile and an elongated integral recess (cavity 26). The recess (cavity 26) has a wall means forming a liquid-tight enclosure such that a liquid contained in the body (bottle 20) will not pass through the recess (cavity 26) of the bottle. A cap (25) is threadably mounted on the top opening of the body (bottle 20). A cylindrical case (nested container 27) is receivable in the recess (cavity 26). The case (nested container 27) is capable of receiving a toothbrush and toothpaste. The case (nested container 27) is receivable in the recess (cavity 26) to a stored position in which the

outside surface of the case (cavity 26) forms a continuation of the profile of the body (bottle 20). The means for releasably holding the case (nested container 27) in the recess (cavity 26) includes projections (28). A cap (29a) is slidably received over an upper end of the case (cavity 26). The body (bottle 20) has resilient walls.

Balavich does not disclose that the case contains a toothbrush and toothpaste. Dennis teaches that it is convenient to store a toothbrush, a razor, toothpaste, and other hygiene products in a recess in a mouthwash container (34) in lines 46-55 of column 4. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the invention of Balavich to store toothbrush, a razor, toothpaste, and other hygiene products in a recess in the bottle while the bottle contains mouthwash, as taught by Dennis, in order to conveniently provide hygiene products in one main container.

Balavich does not disclose a length of tape adhesively attached to the container on opposite sides of the recess. However, it is well known to use tape to reinforce a connection between two objects. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a length of tape on the container on opposite sides of the recess in order to reinforce the connection between the case and the container.

7. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Balavich (US 5,065,875) in view of Dennis (US 5,215,193) as applied to claims 1-3 and 6 above, and in further view of Widlak (US 4,821,752).

Balanvich and Dennis disclose the features discussed above, but do not disclose a toothbrush formed of two pieces. Widlak teaches a toothbrush with an elongated hollow body (base member 24). A handle with a brush (brush assembly 22) is receivable in the hollow body (base member 24) such that the handle is movable between a stored position and an extended position. There is a means for holding the handle in the extended position, which includes rib (62) and groove (40). It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the toothbrush taught by Widlak in the combination taught by Balanvich and Dennis, in order to provide a toothbrush that can fit in a smaller case and that includes dental floss in the handle.

Allowable Subject Matter

8. Claims 5 and 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. Claim 8 would be allowable if rewritten to overcome the objection set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Thompson, Mann, Jr. et al., Panzetti, Carp, Rounkles, Poston et

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al, Bavaveas, Hidding et al., Balavich (Des. 325,341 and Des. 325,341), and Chandaria et al. disclose containers including recesses for holding cases. McCoy and Labick et al. disclose a case for holding a toothbrush and toothpaste. Wright discloses a container for storing multiple hygiene products in one place.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephanie L. Willatt whose telephone number is (571) 272-4721. The examiner can normally be reached on M-F (8:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin P. Shaver can be reached on (571) 272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



slw



KEVIN SHAVER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700